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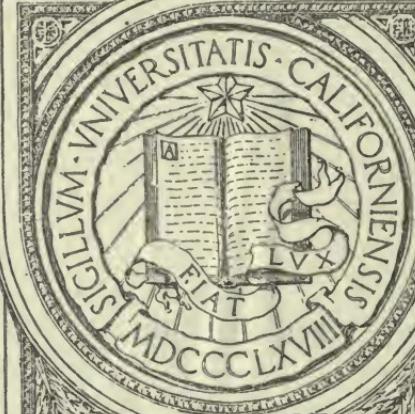
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2001 EDITION
ON THE NORTH SHORE
OF PRIVATE LIFE
1921

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Soldier Legion
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Soldier Legislation

Passed by the

FORTY-FOURTH SESSION

OF THE

California Legislature

and Approved by

Governor William D. Stephens

1921

Miscellaneous

COMPILED BY

JEROME B. KAVANAUGH

Chief Clerk of the Assembly



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Sacramento
1921

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Geological Guide

Geological Survey

Government of Canada

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SENATE BILLS.

Senate Bill No. 25.

CHAPTER 326, STATUTES 1921.

(By Senator Scott.)

An act to amend sections four thousand two hundred ninety-five and four thousand two hundred ninety-seven of the Political Code, relating to official services and fees.

The people of the State of California do enact as follows:

SECTION 1. Section four thousand two hundred ninety-five of the Political Code is hereby amended to read as follows:

4295. State, county, and township officers shall not, in any case, except in proceedings upon habeas corpus, perform any official services unless upon the prepayment of such fees as are prescribed by law, for the performance of such services; *provided*, that the state or any county, city or city and county, or any public officer, or board or body, acting in his, or her, or its official capacity on behalf of the state, or any county, city, or city and county, shall not be required to pay or deposit any fee for the filing of any document or paper, or for the performance of any official service; *provided, further*, that the state, or any county, city, or city and county, or any public officer, or board or body, acting in his or her or its official capacity, on behalf of the state, or county, or city, or city and county, except notaries public, shall not collect, demand, or receive any fee or compensation for recording or indexing any discharge of a soldier, sailor, or marine, of the United States army, navy, or marine corps, or of a nurse who served in the American Red Cross or in the army or navy nurse corps, or for issuing certified copies thereof, or for any service whatever rendered in the matter of a pension claim, application, affidavit, voucher, or in the matter of any claim to be presented to the bureau of war risk insurance, under and by virtue of an act of congress of the United States, entitled "An act to amend an act entitled 'An act to authorize the establishment of a bureau of war risk insurance in the treasury department,'" approved October 6, 1917, and acts amendatory thereof; or furnishing a verified copy of the public record of a marriage, death, birth, or divorce, deed of trust, mortgage, or property assessment, or making the search for the same, wherein the same is to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance automatic insurance, or otherwise, under the said act, establishing the said bureau of war risk insurance. Notaries public shall not make any charge for an acknowledgment to any document that is to be filed in any pending claim in the

bureau of pensions, department of the interior, or in the bureau of war risk insurance, treasury department.

Said services shall be rendered on the request of a United States official, a claimant, his or her guardian, or attorney, and for every failure or refusal so to do, such officer shall be liable on his or her official bond.

Upon payment by any person of the fees required by law, the officer must perform the services required, and for every failure or refusal so to do, such officer shall be liable on his or her official bond.

SEC. 2. Section four thousand two hundred ninety-seven of the Political Code is hereby amended to read as follows:

4297. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus, nor for administering or certifying the oath of office nor filing nor swearing to any claim or demand against any county in this state. State, or any county, city, and city and county, or any public officer, except notaries public, or board or body, acting in his or her, or its official capacity, on behalf of the state, or any county, city, or city and county, shall not receive fees or other compensation for services rendered in an affidavit, or application relating to the securing of a pension, or the payment of a pension voucher, or any matter relating thereto. No charge shall be made by notaries public for an acknowledgment of a claimant or a witness, in the matter of a claim pending in the bureau of pensions, department of the interior, or in the bureau of war risk insurance, treasury department; provided, said acts are performed in the designated office of the notaries public.

Senate Bill No. 26.

CHAPTER 577, STATUTES 1921.

(By Senator Scott.)

An act to amend sections twenty-six and twenty-seven of an act entitled, "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended.

The people of the State of California do enact as follows:

SECTION 1. Section twenty-six of an act entitled, "An act to provide for a general system, based upon investigation

as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, is hereby amended to read as follows:

Sec. 26. The term veteran as used in this act means and includes any person who has served in the United States army, navy, marine corps, revenue marine service, or as an active nurse in the service of the American Red Cross, or in the army and navy nurse corps in time of war, or in any expedition of the armed forces of the United States, and received an honorable discharge or certificate of honorable active service proof of which shall be submitted to the civil service commission at the time of examination.

SEC. 2. Section twenty-seven of said act is hereby amended to read as follows:

Sec. 27. The civil service commission shall by rule establish preference for veterans as follows: In the case of entrance examinations to establish eligible lists for policemen and watchmen, veterans who become eligible for appointment by attaining the passing mark established for the examination, and whose service as veterans exceeds three months, shall be classified on such eligible lists in the relative order of the individual ratings attained, and ahead of all non-veterans passing such examinations, and shall be eligible for appointment on the basis of such order of standing on such eligible lists.

In the case of all other entrance examinations, veterans with thirty days or more of service, and widows of veterans who were married to such veterans on or before November 11, 1918, who become eligible for appointment by attaining the passing mark established for the examination, shall be allowed an additional credit of five points, which shall be added to the percentages attained in such examinations by such veterans, and they shall be placed on eligible lists and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after such credit of five points shall have been added. All ties shall be decided in favor of veterans; *provided, however,* in the case of promotional examinations, a credit of three points shall be allowed to veterans and widows of veterans who were married to such veterans on or before November 11, 1918.

The civil service commission, for specific state services or employments, as determined by the commission, may, in examination, allow general or individual preferences in rating to veterans who have suffered permanent disability in line of duty; *provided*, that such disability would not prevent the proper performance of the duties required under such service

or employment, and provided that such disability was of record in the files of the war department as of July 1, 1920.

In the case of examination to establish eligible lists for artisans, and in which credits are allowed for experience as a journeyman, periods of service in the armed forces of the United States, whether as artisan or otherwise, shall be counted by the commission as journeyman experience.

Senate Bill No. 69.

CHAPTER 350, STATUTES 1921.

(By Senator Anderson.)

An act to amend section ten of the Political Code, relating to holidays.

The people of the State of California do enact as follows:

SECTION 1. Section ten of the Political Code is hereby amended so as to read as follows:

10. Holidays within the meaning of this code, are every Sunday, the first day of January, twelfth day of February, to be known as Lincoln day, twenty-second day of February, thirtieth day of May, fourth day of July, ninth day of September, first Monday in September, twelfth day of October, to be known as "Columbus day," twenty-fifth day of December, eleventh day of November, known as "Armistice day," every day on which an election is held throughout the state, except a general primary election, and every day appointed by the president of the United States or by the governor of this state for a public fast, thanksgiving or holiday.

If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October, the twenty-fifth day of December or eleventh day of November falls upon a Sunday, the Monday following is a holiday.

Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances or charters provide that public offices shall be closed on holidays; this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoon; *and provided, further,* that the public schools of this state shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the ninth day of September, the twenty-fifth day of December, and on every day appointed by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday. Said public schools shall continue in session on all other legal holidays and

shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

All public offices of the state and all state institutions, including the state university and all public schools in the state shall be closed on the ninth day of September of each year, known as "Admission day."

Senate Bill No. 592.

CHAPTER 578, STATUTES 1921.

(By Senator Inman.)

An act to authorize the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, for the single object of creating a fund to carry on the operations of the veterans' welfare board in accordance with the provisions of the California veterans' welfare act enacted at the forty-fourth session of the legislature of the State of California, and also in accordance with the provisions of the veterans' farm and home purchase act enacted at the forty-fourth session of the legislature of the State of California, or either of them enacted at the forty-fourth session of the legislature of the State of California, and of any and all acts amendatory or supplemental to said acts, or either of them; to provide ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; to create a veterans' welfare finance committee the members of which are to serve without compensation; to define the powers and duties of said veterans' welfare finance committee and of other state officers in relation to this act; to appropriate money for the expense of preparing and of advertising the sale of the bonds herein authorized to be issued; and to provide for the submission of this act to a vote of the people at the general election to be held in the month of November, 1922.

The people of the State of California do enact as follows:

SECTION 1. For the purpose of creating a fund to carry on the operations of the veterans' welfare board in accordance with the provisions of the California veterans' welfare act enacted at the forty-fourth session of the legislature of the State of California, and also in accordance with the provisions of the veterans' farm and home purchase act enacted at the forty-fourth session of the legislature of the State of California, or either of them enacted at the forty-fourth session of the legislature of the State of California, and of any and

all acts amendatory or supplemental to said acts, or either of them, the veterans' welfare finance committee created by this act shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

SEC. 2. After the issuance of the proclamation of the governor provided for in section sixteen of this act, and immediately after adoption of any resolution by the veterans' welfare finance committee hereby created, provided for in section eleven of this act, the state treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of ten million dollars, and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said veterans' welfare finance committee and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office of the state treasurer, or at the office of any duly authorized agent of the state treasurer, and shall be so payable at the times specified in said resolution or resolutions.

All bonds issued under this act shall bear the signature of the governor and the facsimile countersignature of the controller and shall be endorsed by the state treasurer either by original signature or by signature stamp adopted for each particular bond issue under this act, and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof, and referring to this act and to the resolution of the veterans' welfare finance committee hereunder by virtue of which said bond is issued.

SEC. 3. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this act. Said interest coupons shall bear the facsimile signature of the state treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

SEC. 4. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the state treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the controller's warrants drawn in his favor as provided in section five hereof and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the state treasurer.

SEC. 5. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the state treasury, all of the moneys in the specific fund into which the proceeds from the sale of the said bonds have been covered as herein prescribed, not in excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the state treasury out of said specific fund as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of five per cent per annum, compounded semi-annually.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the general fund by the controller of the state in favor of the state treasurer or in favor of any duly authorized agent of the state treasurer, upon demands audited by the state board of control, and the moneys to be returned into the general fund in the state treasury pursuant to the provisions of this section shall likewise be paid as herein pro-

vided upon warrants duly drawn by the controller of the state upon demands duly audited by the state board of control.

SEC. 6. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the general fund in the state treasury out of the specific funds into which the proceeds from the sale of said bonds shall be respectively covered in accordance with the provisions of this act on controller's warrant duly drawn for that purpose.

SEC. 7. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the veterans' welfare board and approved by the governor of the state; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

SEC. 8. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco and also by publication in one newspaper published in the city of Oakland and by publication in one newspaper published in the city of Los Angeles and by publication in one newspaper published in the city of Sacramento once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the veterans' welfare fund for land settlement, or into the veterans' farm and home building fund, as the case may be, in accordance with the resolution of the veterans' welfare finance committee, provided for in section eleven of this act, by virtue of which resolution the said bonds shall have been issued, and must be used exclusively to provide useful employment and the oppor-

tunity to acquire farm homes with profitable livelihood on the land for veterans and to provide for cooperation of the state with the agencies of the United States engaged in work of similar character, and to furnish to veterans the opportunity to purchase farms, homes and home sites, in accordance with the provisions of the California veterans' welfare act and of the veterans' farm and home purchase act, or either of them, and of any and all acts amendatory or supplemental to said acts, or either of them; *provided*, that the said veterans' welfare board must pay over to the general fund of the state from the proceeds of the sale of the bonds all money which has been heretofore or may be hereafter appropriated and advanced out of the general fund in the state treasury for the use of the said veterans' welfare board on condition that it shall be so paid over; *provided, further*, that the said veterans' welfare board may, out of the proceeds from the sale of said bonds, pay all or any part of any indebtedness heretofore by it incurred in accordance with law and remaining unpaid, including the interest accrued thereon, unless the rate of interest applying to such indebtedness is less than the rate of interest applying to the said bonds; and *provided, further*, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

SEC. 9. The veterans' welfare board shall be and hereby is authorized, with the approval of the state board of control, to invest any surplus moneys in any of the funds subject to or appropriated for its use in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the state board of control.

SEC. 10. There is hereby created a veterans' welfare finance committee composed of the governor, state controller, state treasurer, chairman of the state board of control, and chairman of the veterans' welfare board, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The attorney general of the state shall be the legal advisor of the veterans' welfare finance committee.

Upon request of the veterans' welfare board, supported by a statement of the plans and projects of the veterans' welfare board with respect thereto, which statement shall designate the specific fund to which such plans and projects relate, the veterans' welfare finance committee shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution.

SEC. 11. Whenever the said veterans' welfare finance committee shall have determined that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the state treasurer

to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts, and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The specific fund into which the proceeds from the sale of the bonds to be issued shall be placed and from which disbursements thereof shall be made in accordance with this act.

6. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the veterans' welfare finance committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the veterans' welfare board from the project or projects to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, and be commensurate, as nearly as practicable, with the dates and amounts of such estimated revenues; *provided*, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; *provided, further*, that specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; *and provided, further*, that the bonds last to mature in each issue shall mature not later than forty-five years from the date of issuance thereof.

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the veterans' welfare finance committee according to the then prevailing market conditions, but shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; *provided*, that the interest coupon first payable may, if the veterans' welfare finance committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

SEC. 12. All actual and necessary expenses of the veterans' welfare finance committee and of the members thereof shall be paid out of the fund into which the proceeds from the sale of said bonds shall be covered, upon approval of the state board of control and on controller's warrant duly drawn for

that purpose, and shall constitute expenses of the veterans' welfare board.

SEC. 13. The state controller, the state treasurer, and the veterans' welfare finance committee shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

SEC. 14. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1922, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 15. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1922, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the veterans' welfare bond act of 1921," and in the same square under said words the following in brevier type: "This act provides for a bond issue of ten million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." In the square immediately below the square containing such words, there shall be printed on said ballot the words: "Against the veterans' welfare bond act of 1921," and in the same square immediately below said words "Against the veterans' welfare bond act of 1921" in brevier type shall be printed "This act provides for a bond issue of ten million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." Opposite the words "For the veterans' welfare bond act of 1921" and "Against the veterans' welfare bond act of 1921," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the veterans' welfare bond act of 1921" and those voting against the said act shall do so by placing a cross opposite the words "Against the veterans' welfare bond act of 1921." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 16. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as herein-

before provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 17. It shall be the duty of the secretary of state in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, 1922; the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose and shall be refunded to the general fund out of the veterans' welfare fund for land settlement and the veterans' farm and home building fund jointly, each of said funds sharing one-half of said costs. Said refund shall be made upon controller's warrants duly drawn against said funds for said purpose upon demands audited by the state board of control.

SEC. 18. This act may be known and cited as the "veterans' welfare bond act of 1921."

SEC. 19. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

(NOTE.—This Senate Bill will be on the ballot at the general election to be held November 7, 1922.)

Senate Bill No. 593.

CHAPTER 579, STATUTES 1921.

(By Senator Arbuckle.)

An act to provide educational opportunities for persons who served in the army, navy or marine corps of the United States in time of war, and making an appropriation therefor.

The people of the State of California do enact as follows:

SECTION 1. As used in this act the term "veteran" includes any individual who has served on active duty in the army, navy or marine corps of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include:

1. Any individual at any time after April 5, 1917, and before November 12, 1918, or thereafter separated from such forces under other than honorable conditions;
2. Any conscientious objector who performed no military duty whatever or refused to wear the uniform, or
3. Any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

SEC. 2. There is hereby established an educational institution to be known as the California veterans' educational institute, to provide opportunities for veterans to continue their education, and to be under the management and control of the veterans' welfare board as created by the California veterans' welfare act adopted at the forty-fourth session of the legislature of the State of California.

SEC. 3. Any veteran who desires to continue his education may apply for admission to the institute and if, in the opinion of the board, the educational needs and desires of the veteran can be satisfactorily met in educational institutions in this state, the board shall assume state wardship over the education of such veteran. The board shall have the power, within its discretion, to provide educational counsel for students and where necessary to assist them in securing admission to suitable institutions of learning; *provided*, that private tuition schools shall be chosen only when suitable opportunity is not available in public or semipublic institutions.

The board shall also, within its discretion, and in so far as the funds hereinafter provided may permit, have power to provide:

- (a) For the payment of transportation charges once each year from the home of the student to and from the institution of learning.
- (b) For the payment of tuition and other fees if there be such.
- (c) For the purchase of necessary books and supplies.
- (d) For the monthly payment of an allowance to cover all or a part of the living expenses of the student in an amount which shall not exceed forty dollars per month for each month during which the student is in actual attendance upon a day school, absence during the month on account of illness to be included as a part of such attendance.
- (e) The amount expended on account of any one veteran under the provisions of this section shall not exceed one thousand dollars.
- (f) The board shall consider the application of veterans for admission to the institution in the order in which they are received; however, should the funds available be insufficient to meet the obligations, should it assume wardship over all worthy applicants, the board shall assume wardship over such veterans as are most urgently in need of further education.

SEC. 4. The California veterans' welfare board shall have power to cooperate and confer with the duly authorized agencies of the United States in carrying out the provisions hereof.

SEC. 5. For the purpose of carrying out the provisions of this act the sum of five hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated. Three hundred thousand dollars of the amount herein appropriated shall be available at the taking effect of this act and the remaining two hundred thousand dollars shall be available on July 1, 1923.

SEC. 6. Any veteran who has taken advantage of the benefits of the veterans' welfare act or of the veterans' farm and home purchase act, adopted at the forty-fourth session of the legislature of the State of California, or who has received a bonus or adjusted compensation from this state, shall be precluded from taking advantage of the opportunities offered under the provisions of this act.

SEC. 7. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Senate Bill No. 594.

CHAPTER 580, STATUTES 1921.

(By Senator Arbuckle.)

An act creating a veterans' welfare board and defining its powers and duties and making an appropriation in aid of its operations.

The people of the State of California do enact as follows:

SECTION 1. This act may be known and cited as the California veterans' welfare act.

SEC. 2. As used in this act the term "veteran" includes any individual who has served on active duty in the army, navy or marine corps, of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include—

1. Any individual at any time after April 5, 1917 and before November 12, 1918 or thereafter separated from such forces under other than honorable conditions;

2. Any conscientious objector who performed no military duty whatever or refused to wear the uniform, or

3. Any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

The object of this act is to provide useful employment and the opportunity to acquire farm homes with profitable livelihood on the land for veterans and to provide for cooperation of the state with the agencies of the United States engaged in work of a similar character.

SEC. 3. For the purposes of this act the "veterans' welfare board" is hereby created. This board shall consist of

five members to be appointed by the governor to hold office for a term of four years and until their successors have been appointed and shall qualify. Four of such members shall be veterans. Of the members first appointed one shall be appointed to hold office until the first day of January 1922, one until the first day of January 1923, one until the first day of January 1924 and two until the first day of January 1925. The governor shall designate one of the veteran members as chairman of the board and director of veterans' welfare. The secretary may or may not be a member of the board.

Such expert, technical and clerical assistance as may prove necessary may also be selected by the board. The board shall fix the salaries of all employees with the approval of the state board of control. Four members of the board shall receive a per diem for each meeting attended and the chairman shall receive a salary, said per diem and salary to be fixed by the state board of control, with the approval of the governor. The members shall also receive their actual necessary traveling expenses in the discharge of their duties. The said veterans' welfare board shall have power to cooperate and to contract with the duly authorized representatives of the United States government in carrying out the provisions of this act.

SEC. 4. The veterans' welfare board hereinafter called "the board" shall constitute a body corporate with the right on behalf of the state to hold property, receive and request donations, sue and be sued and all other rights provided by the constitution and laws of the State of California as belonging to bodies corporate. Three members of the board shall constitute a quorum and such quorum may exercise all the power and authority conferred on the board by this act.

SEC. 5. For the purposes of this act the board may acquire on behalf of the state by purchase, gift or the exercise of the power of eminent domain, all lands, water rights, and other property needed for the purposes hereof and may take title in trust and shall without delay improve, subdivide, and sell such land, water rights and other property with appurtenances and rights to approved bona fide settlers who are veterans; the board shall have the authority to set aside for town site purposes a suitable area purchased under the provisions of this act and to subdivide such area and sell or lease to veterans or others the same for cash, or on such terms as the board may see fit, in lots of such size and with such restrictions as to resale as they shall deem best; *and provided, further,* that the board shall have authority to set aside and dedicate to public use such area or areas as it may deem desirable for roads, school houses, churches or other public purposes.

SEC. 6. Whenever the board believes that private land should be purchased for settlement under this act it shall give notice by publication in one or more newspapers of general circulation in this state setting forth approximately the area and character of the land desired and the conditions that shall

govern the proposed purchase and inviting owners of land willing to enter into a contract of sale on the conditions proposed to submit such land for inspection.

SEC. 7. Within thirty days thereafter the board shall direct an officer or officers in its employ or one or more persons who may, at its request, be designated by the dean of the college of agriculture of the University of California, to inspect and report on all tracts of land suitable for closer settlement which are so submitted.

SEC. 8. The board shall give not less than one week's notice of the approximate date when tracts submitted will be inspected and every report of such inspection shall as far as practicable specify :

- (a) The situation and brief description thereof.
- (b) Extent and situation of land comprising formation of any tract as is proposed to acquire.
- (c) Names and addresses of the owners thereof.
- (d) Character of water rights.
- (e) Nature of improvements.
- (f) Crops being grown on land.
- (g) Appraisement of value of land, water rights and improvements.

SEC. 9. On receiving the reports of all the land examined the board shall decide which of the areas is best suited for the purposes of the act. Before so deciding the board may examine the land or it may employ one or more competent valuers to fix the productive value of the land and report the same in writing. The owner or his agent may give evidence as to its value.

SEC. 10. If, from the evidence submitted, or from the results of its personal inspection, the board is satisfied that one or more of the tracts submitted are suited to intensive closer settlement and can be acquired at a reasonable price it shall submit to the governor its report giving the reasons for recommending the purchase and on the approval of the governor the board shall be authorized to purchase the same; *provided*, that before such purchase is made the attorney general shall approve the title of such lands and any water rights appurtenant thereto and the state water commission shall certify in writing as to the sufficiency of any water rights to be conveyed.

SEC. 11. All sales to settlers of land under this act shall be made upon such terms and conditions as shall give to the board full control of any subdivisions thereof until all moneys advanced by the state for the purchase, improvements or equipment of such subdivisions are fully repaid together with interest thereon as herein provided.

SEC. 12. Immediately upon taking possession of any land purchased as above or otherwise obtained and after deducting any areas to be set aside for town sites or public purposes in accordance with section five of this act the board shall subdivide it into areas suitable for farms and farm laborer's allot-

ments and lay out and wherever necessary construct roads, ditches and drains for giving access to and insuring proper cultivation for the several farms and farm laborer's allotments. The board, prior to disposing of it to settlers or at any time after such land has been disposed of but not after the end of the fifth year from the commencement of the term of the settlers' purchase contract may

(a) Prepare all or any part of such land for irrigation and cultivation.

(b) Seed, plant and fence such land and cause dwelling houses and outbuildings to be erected on any farm allotment and make any improvements not specified above necessary to render the allotment profitable and productive in advance of and after settlement, the total cost to the board of such dwelling and outbuildings and improvements not to exceed five thousand dollars on any one farm allotment.

(c) Cause cottages to be erected on any farm laborer's allotment and provide a domestic water supply. The combined cost to the board of the cottage and water supply not to exceed one thousand five hundred dollars on any one farm laborer's allotment.

(d) Make loans not to exceed three thousand dollars to any one settler for the purchase of necessary live stock and equipment such loans to be secured in any manner that the board may direct or without security other than the personal obligation of the settler.

SEC. 13. Authority is hereby granted to the board where deemed desirable to operate and maintain any irrigation works constructed to serve any lands purchased and sold under the provisions of this act. All moneys received in tolls or charges for the operation and maintenance of any works or for any water supplied therefrom shall be deposited in the veterans' welfare fund for land settlement created by this act and shall become available for the payment of any charges or expenses authorized in this act to be paid from said veterans' welfare fund for land settlement.

SEC. 14. After the purchase of land by the board under the provisions of this act and before its disposal to approved bona fide applicants the board shall have authority to lease such land or a part thereof on bonded or secured leases on such terms as it shall deem fit.

SEC. 15. Lands disposed of under this act other than land set aside for town sites or public purposes shall be sold either as farm allotments each of which shall have a value not exceeding, without improvements, fifteen thousand dollars, or as farm laborer's allotments each of which shall have a value not exceeding without improvements one thousand dollars.

Before any part of an area is thrown open for settlement there shall be such notice thereof given once a week for four weeks in one or more daily newspapers of general circulation in the State of California setting forth the number and size of farm allotments or farm laborer's allotments or both, the

price at which they are offered for sale, the mode of payment and such other particulars as the board may think proper and specifying a definite period within which applications therefor shall be filed with the board on forms provided by the board. The board shall have the right in its uncontrolled discretion to reject any and all applications it may see fit and may readvertise as aforesaid as often as it sees fit until it receives and accepts such number of applications as it may deem necessary. If no applications satisfactory to the board are received for any farm allotment or farm laborer's allotment following such advertising the board, at any time prior to readvertising, may sell to a veteran any such farm allotment or farm laborer's allotment at the price at which they were so offered for sale without the necessity of readvertising. The board shall also have the power in dealing with any such farm allotment or farm laborer's allotment for which there has been no such application satisfactory to the board to subdivide or amalgamate any one or more of such allotments as it may see fit and fix the price thereon; *provided*, that the limitation of fifteen thousand dollars for a farm allotment and one thousand dollars for the farm laborer's allotment, as in this section set forth are not violated. Such subdivision or amalgamation may be had without the necessity of readvertising. The board may also sell at public auction under such conditions of sale and notice thereof as the board may prescribe any areas which the board may determine are not suitable for farm allotments or farm laborer's allotments; *provided*, if such area has been included in such a farm allotment or farm laborer's allotment, then such sale at public auction can be made only after a failure to receive any application satisfactory to the board after the advertising thereof as required by the terms of this section.

SEC. 15a. The selling prices of the several allotments into which lands purchased under this act are subdivided, other than those set aside for townsite and public purposes, shall be fixed by the board, so as to render such allotments as nearly as possible equally attractive, and calculated to return to the state the original cost of the land, together with a sufficient sum added thereto to cover all expenses and costs of surveying, improving, subdividing, and selling such lands, including the payment of interest, and all costs of engineering, superintendence, and administration, including the cost of operating any works built, directly chargeable to such land, and also the price of so much land as shall on subdivision be used for roads and other public purposes, and also such sum as shall be deemed necessary to meet unforeseen contingencies.

SEC. 16. Any veteran who is not the holder of agricultural land or possessory rights thereto to the value of fifteen thousand dollars and who, by this purchase would not become the holder of agricultural land or possessory rights thereto exceeding such value, and who is prepared to enter within six months upon actual occupation of the land acquired, may apply for and become the purchaser of either a farm allot-

ment or a farm laborer's allotment; *provided*, that no more than one farm allotment or more than one farm laborer's allotment shall be sold to any one person; *provided, further*, that no applicant shall be approved who shall not satisfy the board as to his or her fitness successfully to cultivate and develop the allotment applied for. In any such sales preference must be given to veteran trainees in agriculture, under the provisions of the vocational rehabilitation act of congress, approved June 27, 1918, and all acts amendatory thereof or supplemental thereto, or to veterans who were wounded or disabled while a member of the military or naval forces of the United States, and who are otherwise qualified by experience.

SEC. 17. Every approved applicant shall enter into a contract of purchase with the board the terms of which shall be determined by the board. Such applicant shall, if required, by the board enter into an agreement to apply for a loan from the federal land bank under provisions of the federal farm loan act, for an amount to be fixed by the board and shall pay the board the amount of any loan so made as a partial payment on such land and improvements. The balance due on the land shall be paid in amortizing payments extending over a period to be fixed by the board not exceeding forty years together with interest thereon at the rate of five per cent per annum compounded at periods to be fixed by the board; the amount due on improvements shall be paid in amortizing payments extending over a period to be fixed by the board not exceeding twenty years together with interest at the rate of five per cent per annum compounded at periods to be fixed by the board; the repayments of loans shall extend over a period to be fixed by the board not exceeding five years; *provided, however*, in each case, that the settler shall have the right on installment date to pay any or all installments still remaining unpaid; *provided, further*, that the board may in any individual case postpone from time to time the whole or any portion of any payment, initial or otherwise, of principal or interest, on account of land improvements or loans, upon such terms as the board may determine proper.

SEC. 18. Every contract entered into between the board and an approved purchaser shall contain among other things provisions that the purchaser shall cultivate the land in a manner to be approved by the board and shall keep in good order and repair all buildings, fences and other permanent improvements situated on his allotment, reasonable wear and tear and damage by fire excepted. Each settler shall, if required, insure and keep insured against fire all buildings on his allotment, the policies therefor to be made out in favor of the board and to be in such amount or amounts and in such insurance companies as may be prescribed by the board.

The board shall have power in its own name to insure and keep insured against fire and such other risks as the board may determine, all buildings or other improvements on any of the lands under the control of the board. The board shall likewise have the power in any contract of purchase under

which the board purchases lands as authorized in this act, to provide for the return by the board to the owner so selling to the state of any insurance premium or taxes which may have been paid on said property by such owner or for which such owner may have become obligated to pay.

SEC. 19. No allotment sold under the provisions of this act shall be transferred, assigned, mortgaged, or sublet in whole or in part, without the consent of the board given in writing, until the settler has paid for his farm allotment or farm laborer's allotment in full and complied with all of the terms and conditions of his contract of purchase.

SEC. 20. In the event of a failure of a settler to comply with any of the terms of his contract of purchase and agreement with the board, the state and the board shall have the right at its option to cancel the said contract of purchase and agreement and thereupon shall be released from all obligation in law or equity to convey the property and the settler shall forfeit all right thereto and all payments theretofore made shall be deemed to be rental paid for occupancy. The board may require of the settler such mortgage or deed of trust or other instrument as may be necessary under the terms and conditions of the contract of purchase in order to adequately protect and secure the board. There may be included in such contract of purchase, mortgage, deed of trust or other instrument any conditions with reference to sale of the property or reconveyance back to the board or notice of such sale or reconveyance as may in the discretion of the board be required to be so included in such contract of purchase, mortgage, deed of trust or other instrument, in order to so adequately protect the said board in the premises. The failure of the board or of the state to exercise any option to cancel, or other privilege under the contract of purchase for any default shall not be deemed as a waiver of the right to exercise the option to cancel or other privilege under the contract of purchase for any default thereafter on the settler's part. But no forfeiture so occasioned by default on the part of the settler shall be deemed in any way, or to any extent, to impair the lien and security of the mortgage or trust instrument securing any loan that it may have made as in this act provided. The board shall have the right and power to enter into a contract of purchase for the sale and disposition of any land forfeited as above provided, because of default on the part of a settler, and this right may be exercised indefinitely without the necessity of advertising.

If illness or accident prevents a settler from cultivating his land or harvesting any crop or crops growing thereon, the board may cultivate the land or cause it to be cultivated, or harvest, or cause to be harvested the crop or crops growing thereon. In such event the board may sell such crop or crops so harvested. Out of the proceeds of such sale or sales the board may reimburse itself for any expense which it may have incurred in the cultivation of the land, the harvesting of the crops and the sale thereof, and retain any moneys due to

the board from the settler, and the balance, if any, shall be paid by the board to the settler.

SEC. 21. Actual residence on any allotment sold under the provisions of this act shall commence within six months from the date of the approval of the application and shall continue for at least eight months in each calendar year for at least five years from the date of the approval of the said application, unless prevented by illness or some other cause satisfactory to the board; *provided*, that in case any allotment disposed of under this act is returned to and resold by the state, the time of residence of the preceding purchaser may in the discretion of the board be credited to the subsequent purchaser.

SEC. 22. The power of eminent domain shall be exercised by the state at the request of the board for the condemnation of water rights and rights of way for roads, canals, ditches, dams and reservoirs, necessary or desirable for carrying out the provisions of this act, and on request of the board the attorney general shall bring the necessary and appropriate proceedings authorized by law for such condemnation of said water rights or rights of way, and the cost of all water rights or rights of way so condemned shall be paid out of the veterans' welfare fund for land settlement hereinafter provided for. The board shall have full authority to appropriate water under the laws of the state when such appropriation is necessary or desirable for carrying out the purposes of this act.

SEC. 23. For the purpose of carrying out the provisions of this act the sum of one million dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated. Of this amount the sum of nine hundred fifty thousand dollars shall constitute a revolving fund to be known as veterans' welfare fund for land settlement which is calculated to be returned to the state within a period of fifty years from the effective date of this act with interest at the rate of four per cent per annum on so much thereof as shall be withdrawn from said veterans' welfare fund for land settlement, from the date of withdrawal until returned into said veterans' welfare fund for land settlement, or until returned into the general fund in the state treasury, as the case may be; *provided*, that in the event of the sale of any bonds which may be hereafter authorized to be issued to create a fund to be expended in accordance with the provisions of this act, then and in that event the sum of nine hundred fifty thousand dollars hereby appropriated shall be returned into the general fund in the state treasury from the proceeds of the sale of such bonds. The remaining fifty thousand dollars shall constitute a fund available for the payment of administrative expenses alone until such time as other moneys are available for such purposes from the sales of land as provided for in this act.

The state controller is authorized and directed to draw warrants upon such funds from time to time upon requisition of the board approved by the state board of control and the state

treasurer is hereby authorized and directed to pay such warrants.

SEC. 24. The state board of control is hereby authorized to provide for advances of money to the board needed to meet contingent expenses to such an amount not exceeding twenty-five thousand dollars as the said board of control shall deem necessary, which advances shall be administered as a revolving fund or revolving funds.

SEC. 25. The money paid by settlers on lands, improvements, or in the repayment of advances, shall be deposited in the veterans' welfare fund for land settlement and be available under the same conditions as the original appropriation.

SEC. 26. The board shall have authority to make all needed rules and regulations for carrying out the provisions of this act.

SEC. 27. The board is hereby authorized to investigate soldiers' land settlement conditions in California and elsewhere and to submit recommendations for such legislation as may be deemed by it necessary or desirable. The board shall render an annual report to the governor and a copy thereof to the secretary of the interior which report shall be filed and printed as required by sections three hundred thirty-two, three hundred thirty-three, three hundred thirty-four, three hundred thirty-six and three hundred thirty-seven of the Political Code with the exception that they shall be so filed annually instead of biennially as provided in such sections. Except as herein otherwise provided no land acquired under the provisions of this act shall in any event become liable for any debt contracted prior to the issuance of a deed by the board therefor.

SEC. 28. The board shall, as far as possible, utilize the services of veterans in administrative and other work for the purposes of carrying out the provisions of this act. Nothing contained in that certain act entitled, "An act to provide for a general system based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the willful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, or in any acts amendatory thereof or supplementary thereto, or in any other act or acts whatsoever, shall limit the power of the board to utilize the services of veterans in administrative and other work, for the purpose of carrying out the provisions of this act.

SEC. 29. Any veteran who has taken advantage of the benefits of the veterans' farm and home purchase act adopted at the forty-fourth session of the legislature of the State of California shall be precluded from taking advantage of the opportunities offered under the provisions of this act.

SEC. 30. It is hereby made the duty of all state, county, city and county officials to furnish and give all required information to the veterans' welfare board, upon request, and shall further assist said board in any manner in accordance with law and without charge therefor.

SEC. 31. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Senate Bill No. 935.

CHAPTER 348, STATUTES 1921.

(By Senator Irwin.)

An act to add a new section to the Political Code, to be numbered four thousand forty-one f, providing for homes and meeting places for veterans and associations of veterans.

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered four thousand forty-one f, and to read as follows:

4041f. Any county may provide and maintain (1) a home or homes for veteran soldiers, sailors and marines who have served the United States honorably in any of its wars; (2) buildings, memorial halls, or meeting places for the use of patriotic, fraternal and benevolent associations of such persons. For these purposes the board of supervisors of any county shall have jurisdiction and power:

(a) To purchase, receive by donation, take by condemnation, lease or otherwise acquire, real or personal property necessary for such building or buildings, and to improve, preserve, take care of, manage and control the same.

(b) To purchase, construct or lease, build or rebuild, furnish or refurnish, or repair any and all such buildings, and to provide all necessary custodians, employees, attendants and supplies for the proper maintenance of the same.

(c) To levy in any year a special tax not to exceed three mills on the one dollar of assessed valuation on all the taxable property in the county, such tax to be in addition to all other taxes provided for and the fund so created to be expended for the purposes hereof.

(d) To establish a fund or funds for the purposes hereof and to transfer from the general fund to such fund or

funds, from time to time, such moneys as the board may deem necessary.

(e) To incur, in the manner provided by law, a bonded indebtedness on behalf of the county for any of the purposes hereof.

Senate Bill No. 976.

CHAPTER 349, STATUTES 1921.

(By Senator Rigdon.)

An act to amend section three thousand eight hundred ninety-eight of the Political Code and to add two new sections thereto to be numbered three thousand eight hundred ninety-seven a and three thousand eight hundred ninety-eight a, relating to the sale of lands purchased by the state for delinquent taxes and making the proceeds thereof available for vocational education of dependents of veterans.

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered three thousand eight hundred ninety-seven a and to read as follows:

3897a. When, in his opinion, it would be for the best interest of the state to sell any or all parcels of the tax deeded lands of any county, it shall be the duty of the controller to provide for listing and a classification of any or all such lands and direct the tax collector, with the consent of the board of supervisors, to proceed to arrange for the sale as provided for in the preceding section. The notice shall be given by posting or publication as required by section three thousand eight hundred ninety-seven of this code. All expenses of the sale are to become a charge against the property to be sold and no redemption can be made under section three thousand eight hundred seventeen of this code without including also that proportional cost of the sale resting upon the certain lot or parcel to be redeemed. In any case in which no sale is made, the cost thereof shall be charged and paid out of the receipts from the sale, the state and county to bear each its proportional share to be determined by the ratio the state rate bears to the city or county rate of taxation.

SEC. 2. Section three thousand eight hundred ninety-eight of said code is hereby amended to read as follows:

3898. 1. The moneys received from such sale shall be distributed as follows: The tax collector shall deduct the penalties, costs and other amounts received as expenses of such sale in such cases as the property so sold shall have been sold for a sum not less than the amount of all taxes levied thereon and all interest, costs, penalties and expenses up to the date of such sale, but where the property so sold shall have been sold for a sum less than said amount, the tax collector shall deduct

only the amounts received as expenses attending such sale, and the balance shall be distributed between the state and the county, or city and county, in the proportion that the state rate bears to the county, or city and county, rate of taxation; said tax collector shall pay all amounts into the county treasury, and the treasurer shall account to the state for its portion in the settlement required by section three thousand eight hundred sixty-five and section three thousand eight hundred sixty-six. The state's portion from such sales shall be paid into the state treasury to the credit of the tax land fund, which fund is hereby created.

2. On receiving the amount bid, as prescribed in the preceding section, the tax collector must execute a deed to the purchaser, which deed shall be in substance and may be in form as follows:

"This indenture, made the ____ day of _____, 19____, between _____, tax collector of the county of _____, State of California, first party, and _____ of the county of _____, State of _____, second party, witnesseth:

That whereas the real property hereinafter described was duly sold and conveyed to the State of California for the non-payment of taxes which had been legally levied and which were a lien upon said property under and in accordance with law; and

Whereas in conformity with law the State of California, acting by and through _____, tax collector as aforesaid, did offer said property, hereinafter described, for sale at public auction to the highest bidder, at which sale said second party became the purchaser of the whole thereof for the sum of \$_____.

Now, therefore, the said first party in consideration of the premises and in pursuance of the statute in such case made and provided, does hereby grant to the said second party, his heirs and assigns, that certain real property hereinbefore referred to, and situate in the _____ county of _____, State of California, more particularly described as follows, to wit:

* * * * *

In witness whereof, said first party has hereunto set his hand the day and year first above written.

Tax collector of the county of _____."

No other matters need be recited in the said deed than those provided for in the above form. No charge shall be made by the tax collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the county clerk free of charge. Said deed shall be prima facie evidence of all the facts recited therein and shall operate to convey all of the interest of the state in and to said property.

3. Within ten days after each sale as provided in the preceding section the tax collector shall report to the assessor and recorder, giving the name or names of all persons to whom deeds have been issued under the provisions of this section, together with the dates of such deeds, the amount for which the property was sold, a description of the property conveyed, together with the numbers and dates of the certificates of sale and of the tax deeds by which title to such property so granted was conveyed to the state.

4. The recorder shall note on the margin of each certificate of sale and of each tax deed involved in the sale and transfer of such property, the name of the purchaser, the date of the deed to the purchaser and the consideration named therein. The assessor shall use such report in his determination of the ownership of such property for assessment purposes.

5. (a) Whenever in any action at law, it has been or shall be determined by a court that the sale and conveyance provided for in this and the preceding section or in section three thousand seven hundred seventy-one of this code heretofore or hereafter made are void for any reason, and that the purchaser from the state may not be finally awarded the property so purchased, no decree of the court shall be given declaring a forfeiture of the property until the former owner, or other party in interest, shall have repaid to the purchaser the full amount of taxes, penalties and costs paid out and expended by him, to be determined by the court, in pursuit of the state's title to the property so sold. The said purchaser may within one year after such decree becomes final also present a claim against the county, in the manner provided by law, for a refund of the amount paid into the county treasury as the purchase price of such property in excess of the amount for which he may have been reimbursed for taxes, penalties and costs as herein provided, and such excess shall be refunded in accordance with section three thousand eight hundred four of this code.

(b) Whenever it shall be determined to the satisfaction of the board of supervisors of the county in which the land is situated that any land belonging to the United States government or to this state, a municipality or other political subdivision of this state has been erroneously sold and conveyed under the provisions of this or the preceding section, or section three thousand seven hundred seventy-one of this code, and the said land should not have been so sold, the purchaser at said sale may present a claim against the county in the manner provided by law for a refund of the amount so paid into the county treasury by reason of such sale.

SEC. 3. A new section is hereby added to the Political Code to be numbered three thousand eight hundred ninety-eight *a*, and to read as follows:

3898a. (1) In the state treasury there is hereby created a fund to be known as the "veterans' dependents' education fund." At the end of each fiscal year any balance remaining

unencumbered in the tax land fund shall be transferred to the veterans' dependents' education fund, and all moneys that may be in the latter fund from time to time are hereby appropriated, without reference to fiscal years, to be expended in accordance with law by the veterans' welfare board in providing instruction, educational counsel, textbooks, quarters and other assistance for dependents of veterans.

(2) The word "veteran" as herein used shall be as defined in the California veterans' welfare act as adopted at the forty-fourth session of the legislature.

The term "dependent of a veteran" as herein used shall be construed to mean a child, widow, parent, brother or sister of a veteran who died or who was killed in active service, or who died as the result of such service. Said term also means and includes the wife, child, parent, brother or sister of any veteran classified by the United States war risk insurance bureau as being totally and permanently disabled.

The benefits hereof are limited to dependents of veterans who are without means to adequately support or educate themselves.

(3) A dependent of a veteran who desires to continue his education may apply to the veterans' welfare board, and if in the opinion of the board the educational needs of the applicant can be satisfactorily met in educational institutions in this state the board shall assume state wardship over the education of the applicant. The board shall have the power within its discretion to provide educational counsel for applicants, and where necessary to assist them in securing admission to suitable institutions of learning; *provided*, that private tuition schools shall be chosen only when suitable opportunity is not available in public or semipublic institutions.

The board shall also, within its discretion, and in so far as the fund may permit, have power to provide: For the payment of transportation charges once each year from the home of the student to and from the institution of learning; for the payment of tuition and other fees if there be such; for the purchase of necessary books and supplies; for the monthly payment of an allowance to cover all or a part of the living expenses of the student in an amount which shall not exceed fifty dollars per month for each month during which the student is in actual attendance upon a day school, absence during the month on account of illness to be included as a part of such attendance.

The amount expended on account of any one applicant under the provisions of this section shall not exceed one thousand dollars.

The board shall consider such applications in the order in which they are received; however, should the funds available be insufficient to meet the obligations, should it assume wardship over all worthy applicants, the board shall assume wardship over such applicants as are most urgently in need of further education.

ASSEMBLY BILLS.

Assembly Bill No. 822.

CHAPTER 519, STATUTES 1921.

(By Mr. Hart.)

An act providing for farm and home aid for veterans, defining the powers and duties of the veterans' welfare board in respect thereto and making an appropriation therefor.

The people of the State of California do enact as follows:

SECTION 1. This act may be cited as the "veterans' farm and home purchase act."

SEC. 2. As used in this act the term "veteran" includes any individual who has served on active duty in the army, navy or marine corps of the United States in time of war and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California, but does not include—

1. Any individual at any time after April 5, 1917, and before November 12, 1918, or thereafter separated from such forces under other than honorable conditions.

2. Any conscientious objector who performed no military duty whatever or refused to wear the uniform; or

3. Any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

SEC. 3. The object of this act is to furnish to veterans the opportunity to purchase farms, homes and home sites, and the administration of the provisions hereof is hereby vested in the veterans' welfare board as created by the California veterans' welfare act adopted at the forty-fourth session of the legislature of the State of California.

SEC. 4. The board may purchase for sale to a veteran land for agricultural purposes not exceeding in value the sum of seven thousand five hundred dollars or a home or home site not exceeding in value the sum of five thousand dollars; provided, however, that no veteran who has taken advantage of the benefits of the California veterans' welfare act or of educational opportunities furnished by any act adopted at the forty-fourth session of the legislature of the State of California, or who has received a bonus or adjusted compensation from this state shall be permitted to take advantage of the opportunities offered under this act; provided, further, that no veteran shall receive the benefits of this act who would thereby become the holder of land exceeding in value, in the

case of a farm, the sum of seven thousand five hundred dollars, or in the case of a home or home site, the sum of five thousand dollars; *provided, further,* that in any sales preference must be given to veterans who were wounded or disabled while a member of the military or naval forces of the United States, and who are otherwise qualified.

SEC. 5. Any person, firm or corporation within the State of California may list any real estate therein for the price at which the same will be sold by the person listing same with the board in such form, and with such specifications, as the board may direct.

SEC. 6. Whenever a veteran has selected the land or home he desires to purchase under the provisions hereof, whether said property has been listed with the board or not, he shall file his application with the board in such form as may be prescribed by the board, setting forth such information as may be required by the board. Whenever such an application is made, the board, if satisfied of the desirability of the real estate and of the ability of the applicant, and that such applicant is a veteran and that such applicant has agreed with the board to actually reside upon such real estate within six months from the date of the purchase by the board, and that the price to be paid by the board for the real estate desired to be purchased does not exceed the sum of seven thousand five hundred dollars in the case of a farm, or five thousand dollars in the case of a home or home site, shall be empowered to enter into a contract of purchase with the owner and to purchase from the owner thereof upon such terms as may be by them agreed. The board shall enter into a contract with the applicant for the sale of said land to said applicant at a price to be fixed by the board, which will make the purchase price and sale price reciprocal, taking into account the difference, if any, in the interest rate to be paid on deferred installments by the board and the applicant respectively, which price shall include the cost of such real estate and all expenses and costs incurred and estimated to be incurred by the board in relation thereto, inclusive of interest, administration, appraisals, examination of title, incidental expenses and such sum as shall be deemed necessary to meet unforeseen contingencies; *provided,* that the applicant repurchasing the land from the board must make an initial payment of at least ten per cent of the purchase price of the land, in the case of a farm, and five per cent in the case of a home or home site. The balance of said purchase price may be amortized over a period to be fixed by the board not exceeding forty years, together with interest thereon at the rate of five per cent per annum compounded at periods to be fixed by the board; *provided, however,* that in each case the farm or home purchaser shall have the right on any installment date to pay any or all installments still remaining unpaid; *provided, however,* that in any individual case the board may for good cause postpone from time to time the whole or any part of the prin-

cipal or interest of any payment other than the initial payment upon such terms as the board may deem proper. The board is empowered in each individual case to determine the terms of the contract entered into with the applicant, but no real estate sold under the provisions of this act shall be transferred, assigned, mortgaged, or sublet, in whole or in part, without the written consent of the board, until the purchaser has paid therefor in full and has complied with all the terms and conditions of his contract of purchase. Before entering into any contract for the purchase of real estate by the board there must be filed with the board an appraisement of the market value of the real estate proposed to be purchased by the president, cashier or manager of a banking corporation formed under and by virtue of the laws of the State of California and having its principal place of business in the county or city and county in which the real estate or some portion thereof is situate; *providing*, that if there be no such banking corporation having its principal place of business in the county or city and county in which the real estate is situate, then by the president, cashier or manager of a banking corporation organized under and in accordance with the laws of California and having its principal place of business in a county adjacent thereto; and by an inheritance tax appraiser of the county in which said real estate or some portion thereof is situated and by at least two members of the board. Each appraisement shall be verified by the maker thereof which verification shall state, among other things, that it is made in good faith and that the valuation is honestly determined and represents the bona fide opinion of the maker.

SEC. 7. The contract entered into between the board and an approved purchaser shall contain, among other things, provisions that the purchaser shall maintain said farm or home as his place of residence and keep in good order and repair all buildings, fences and other permanent improvements situate thereon and that each purchaser shall, if required, insure and keep insured against fire all buildings on said land, the policies thereof to be made out in favor of the board and to such amount or amounts and in such insurance companies as may be by it specified. The board may require that the purchaser shall give some form of personal insurance, either accident or health, or some other form sufficient to carry him or his family through a period of illness, or to enable him to make his payments when due.

The board, before consummating a purchase under the provisions of this act, shall cause the title of the real estate sought to be purchased to be examined and may require for that purpose either an abstract or an unlimited certificate of title and may refer the same to the attorney general for his opinion.

In the event of a failure of a farm or home purchaser to comply with any of the terms of his contract of purchase, the board may cancel such contract under the same conditions and

with the same effect, including the right of a resale after forfeiture, as provided for the cancellation of a settler's contract of purchase under the provisions of the California veterans' welfare act adopted at the forty-fourth session of the legislature of the State of California.

SEC. 8. The board shall have authority to make all needed rules and regulations for carrying out the provisions of this act. For the purposes of carrying out the provisions of this act the sum of two million dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated. Of this amount the sum of one million nine hundred fifty thousand dollars shall constitute a revolving fund to be known as the veterans' farm and home building fund which is calculated to be returned to the state within a period of fifty years from the effective date of this act with interest at the rate of four per cent per annum on so much thereof as shall be withdrawn from said veterans' farm and home building fund from the date of withdrawal until returned into said fund, or until returned into the general fund in the state treasury, as the case may be; *provided*, that in the event of the sale of any bonds which may be hereafter authorized to be issued to create a fund to be expended in accordance with the provisions of this act, then and in that event the said sum of one million nine hundred fifty thousand dollars hereby appropriated shall be returned into the general fund in the state treasury out of the proceeds from the sale of such bonds. The remaining fifty thousand dollars shall constitute a fund available for the payment of administrative expenses alone until such time as other moneys are available for such purposes from the sales of real estate as provided for in this act. The state controller is authorized and directed to draw warrants upon such funds from time to time upon requisition of the board approved by the state board of control and the state treasurer is hereby authorized and directed to pay such warrants.

SEC. 9. The state board of control is hereby authorized to provide for advances of money to the board needed to meet contingent expenses to such an amount not exceeding twenty-five thousand dollars, as the said board of control shall deem necessary, such advances to be administered as a revolving fund of revolving funds.

SEC. 10. The money paid by purchasers from the board shall be deposited in the veterans' farm and home building fund and be available under the same conditions as the original appropriation.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Assembly Bill No. 906.

CHAPTER 164, STATUTES 1921.

(By Mr. Parkinson.)

An act to amend section three thousand three hundred sixty-six of the Political Code, relative to the powers of boards of supervisors, city councils and town trustees, in their respective counties, cities and towns to impose a license tax.

The people of the State of California do enact as follows:

SECTION 1. Section three thousand three hundred sixty-six of the Political Code is hereby amended to read as follows:

3366. Boards of supervisors of the counties of the state, and the legislative bodies of the incorporated cities and towns therein, shall, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, have power to license all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged or honorably released soldier, sailor, or marine of the United States or confederate states who has served in the civil war, any Indian war, the Spanish-American war, any Philippine insurrection or in the Chinese relief expedition, or in the world war of 1914 and years following, who is physically unable to obtain a livelihood by manual labor, and who shall be a qualified elector of the State of California, shall have the right to distribute circulars, and to hawk, peddle, and vend any goods, wares or merchandise, except spiritous, malt, vinous or other intoxicating liquor, without payment of any license tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor; *provided, however*, no license can be collected or any penalty for the nonpayment thereof enforced against any commercial traveler whose business is limited to the goods, wares, and merchandise sold or dealt in in this state at wholesale.

SEC. 2. This act shall not be deemed to repeal any act vesting municipal corporations with power to license for revenue purposes.

Assembly Bill No. 909.

CHAPTER 165, STATUTES 1921.

(By Mr. Parkinson.)

An act to amend section four thousand forty-one of the Political Code, relating to the general powers of boards of supervisors.

The people of the State of California do enact as follows:

SECTION 1. Section four thousand forty-one of the Political Code be and the same is hereby amended to read as follows:

4041. The boards of supervisors, in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

* * * * *

25. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every soldier, sailor or marine of the United States who has received an honorable discharge or a release from active duty under honorable conditions from such service and who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the nonpayment thereof enforced against any commercial traveler whose business is limited to the goods, wares and merchandise sold or dealt in in this state at wholesale.

* * * * *

40c. To levy a special tax which shall produce not to exceed two thousand five hundred dollars to be used for the purpose of compiling a war history of the county.

Assembly Bill No. 1267.

CHAPTER 172, STATUTES 1921.

(By Mr. Brooks.)

An act to prevent persons from unlawfully using or wearing the badge or other insignia of the Grand Army of the Republic or of the United Spanish War Veterans or of the

American Legion or of the Veterans of Foreign Wars or of certain other organizations composed of veterans and descendants of veterans of wars in which the United States has been a participant, and repealing an act entitled "An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this state," approved March 10, 1887.

The people of the State of California do enact as follows:

SECTION 1. Any person who shall wilfully wear or use, within this state, the badge, lapel button, rosette, or other recognized and estimable insignia of the Grand Army of the Republic or of the United Spanish War Veterans or the American Legion or Veterans of Foreign Wars, unless he shall be entitled to wear or use the same under the rules and regulations of the Department of California, Grand Army of the Republic, or United Spanish War Veterans, or the American Legion or Veterans of Foreign Wars, or the Sons of the American Revolution or the Military Order of Foreign Wars of the United States, or the Military Order of the Loyal Legion of the United States, or of the Military Order of the World War respectively, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed thirty days in the county jail, or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

SEC. 2. An act entitled "An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this state," approved March 10, 1887, as amended March 1, 1907, is hereby repealed.

Assembly Constitutional Amendment No. 24.

CHAPTER 52, STATUTES 1921.

(By Mr. McDowell.)

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to section one and one-quarter of the constitution of the State of California, relating to exemption from taxation all veterans of the army, navy or marine corps, and revenue marine service of the United States in time of war.

The legislature of the State of California at its regular session commencing on the third day of January A. D. one thousand nine hundred twenty-one, two-thirds of the members elected to each of the two houses of said legislature voted in favor thereof, hereby proposes that section one and one quarter of article thirteen of the constitution of the State of California be amended to read as follows:

Sec. 1 $\frac{1}{4}$. The property to the amount of one thousand dollars of every resident of this state who has served in the

army, navy, marine corps or revenue marine service of the United States in time of war, and received an honorable discharge therefrom or who has been released from active duty under honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty under honorable conditions, and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors and marines who served in the army, navy or marine corps or revenue marine service of the United States shall be exempt from taxation; *provided*, this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of the state.

(NOTE.—This Constitutional Amendment will be on the ballot at the general election to be held November 7, 1922.)

Assembly Joint Resolution No. 9.

CHAPTER 17, STATUTES 1921.

(By Messrs. Brooks, Christian and Parkinson.)

Relative to the passage of the world war adjusted compensation act.

WHEREAS, The nation's debt to the veterans of the world war is unquestionably recognized by a grateful people, for valiant services rendered, and

WHEREAS, There is now pending before the congress of the United States a bill known as the world war adjusted compensation act (H. R. No. 14157); and

WHEREAS, It appears that the consensus of opinion of the veterans of the world war is overwhelmingly in favor of this bill in preference to any other solution of the problem of rendering to the veterans a part of their just due; and

WHEREAS, A failure to act promptly will in many instances be the equivalent of a denial of justice; therefore, be it

Resolved by the assembly and the senate, jointly, That the legislature of the State of California memorialize the

congress of the United States for the passage of the said world war adjusted compensation act at an early date; and be it further

Resolved, That the senators and representatives in congress from the State of California be requested to use honorable means to secure the action desired in this matter for the purposes aforesaid; and be it further

Resolved, That a copy of these resolutions be forwarded to the president of the United States, to the presiding officers of both houses of congress, and to each of the senators and representatives in congress from the State of California, including those to assume office on March 4, 1921.

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